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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,170	11/26/2003	Javier Sanchez	W1878.0191	5531
32172	7590	07/18/2006	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714			PHU, SANH D	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/721,170		SANCHEZ ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sanh D. Phu		2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 3,6,9 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This Office Action is responsive to the Election/Restriction filed on 6/9/2006.

***Information Disclosure Statement***

2. The IDS filed 6/16/2004 has been considered and recorded in the file.

***Claim Rejections – 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2,4,5,7,8 are rejected under 35 U.S.C. 102(b) as being anticipated by Johansson (5,946,612).

Regarding to claim 1, Johansson discloses a method of reselecting a cell by a mobile terminal in idle mode (col. 2, line 67) in a cellular telecommunication network (Fig. 1) in which the network sends to the terminal

a list containing information with regard to the cells to be identified (col. 6, lines 13–29), and the terminal periodically performs a series of procedures of identifying said cells and an intersystem measurements on the identified cells (col. 6, lines 13–29), wherein, between two successive procedures of identification, the terminal performs a series of procedures of measurement whose duration is fixed value so that total duration for performing a procedure of measurement and the subsequent series of procedures of identification is less than 25 seconds (at 0.68 seconds)(Fig. 5 and 6, col. 6, lines 14–64 and col. 7, line).

Regarding to claim 2, Johansson discloses the method further comprising the steps of:

comparing the measurements performed for each cell against a predefined selection criterion (col. 1, line 51 to col. 2, line 8), and

reselecting the cell (off-loaded to the new cell) according to a result of the comparing step (col. 1, line 51 to col. 2, line 8).

Regarding to claim 4, Johansson discloses the method wherein the terminal performs a confirmation measurement at the end of a maximum

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duration of five seconds at most following the identification of a new cell (see Fig. 4, 5 and 6).

Regarding to claim 5, claim 11 is rejected with a similar reason as set forth in claim 2.

Regarding to claim 7, Johansson discloses the method wherein the intersystem measurements and the procedures of identification of cells are performed with the same frequency (see Fig. 5 and 6, col. 5, line 61 to col. 6, line 64) .

Regarding to claim 8, claim 8 is rejected with a similar reason as set forth in claim 2.

***Claim Rejections – 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson (5,946,612).

Regarding to claim 10, Johansson discloses the method wherein the intersystem measurements and the procedures of identification of cells are performed with the same frequency (see Fig. 5 and 6, col. 5, line 61 to col. 6, line 64) except the intersystem measurements are performed with a frequency that is higher than the one for the procedures of identification.

However, it would have been obvious matter of design choice to modify the Johansson reference by using measurement frequency higher than frequency of the procedure of identification, since applicant has not disclosed that having such a higher frequency solves any stated problem or is for any particular purpose, and it appears that a same frequency range would perform equally well.

Regarding to claim 11, claim 11 is rejected with a similar reason as set forth in claim 2.

*Allowable Subject Matter*

4. Claims 3, 6, 9, 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3, 6, 9 and 12 the prior art of record fails to teach the method further comprising the step of performing the measurements on sliding time windows so as to obtain a mean value of said measurements.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-

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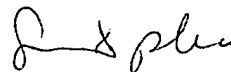
4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

Sanh D. Phu  
Examiner  
Division 2618

7/6/06



**SANH D. PHU  
PATENT EXAMINER**